

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION

**Road-Con, Inc.; Neshaminy
Constructors, Inc.; Loftus Construction,
Inc.; PKF-Mark III, Inc.; and Scott A.
LaCava,**

Plaintiffs,

v.

City of Philadelphia; and James Kenney,
in his official capacity as mayor of the City
of Philadelphia,

Defendants.

Case No. 2:19-cv-01667-JS

DECLARATION OF JONATHAN F. MITCHELL

I, Jonathan F. Mitchell, declare as follows:

1. My name is Jonathan F. Mitchell. I am over 21 years old and fully competent to make this declaration. I submit this declaration in support of the plaintiffs' motion for summary judgment.
2. I have personal knowledge of the matters contained in this declaration, and all of the facts stated in this declaration are true and correct.
3. I represent the plaintiffs in this litigation.
4. The document that appears as Exhibit 6 to the plaintiffs' Statement of Material Facts for Which There is No Genuine Issue to be Tried is an authentic copy of the defendants' answers to our first requests for admission, which they served on June 29, 2020.
5. The document that appears as Exhibit 7 to the plaintiffs' Statement of Material Facts for Which There is No Genuine Issue to be Tried is an authentic copy of the plaintiffs' first requests for admission, which we served on May 28, 2020.

6. The document that appears as Exhibit 8 to the plaintiffs' Statement of Material Facts for Which There is No Genuine Issue to be Tried is an authentic copy of a stipulation between the parties that was executed on August 31, 2020.

7. The document that appears as Exhibit 9 to the plaintiffs' Statement of Material Facts for Which There is No Genuine Issue to be Tried is an authentic copy of the defendants' answers to our second requests for admission, which they served on August 31, 2020.

8. The document that appears as Exhibit 10 to the plaintiffs' Statement of Material Facts for Which There is No Genuine Issue to be Tried is an authentic copy of the plaintiffs' second requests for admission, which we served on July 23, 2020.

9. The document that appears as Exhibit 14 to the plaintiffs' Statement of Material Facts for Which There is No Genuine Issue to be Tried is an authentic transcript of Albert D. Hoffman's deposition, which was held on September 25, 2020.

10. The document that appears as Exhibit 15 to the plaintiffs' Statement of Material Facts for Which There is No Genuine Issue to be Tried is an authentic copy of Executive Order 4-20, which I downloaded from the city of Philadelphia's website shortly after Mayor James Kenney signed it on October 15, 2020.

This concludes my sworn statement. I declare under penalty of perjury that the foregoing is true and correct.

Dated: December 6, 2021


JONATHAN F. MITCHELL